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August 3, 2021

VIA ECF AND
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Honorable Paul A. Engelmayer, U.S.D.J.
U.S. District Court – Southern District of New York
40 Foley Square, Room 2201
New York, New York 10007

Re: The Cobblestone Lofts Condominium v. Admiral Indemnity Co., et al
Docket No. 21-cv-05737 (PAE/OTW)

Dear Judge Engelmayer:

This office represents the Plaintiff in the above-captioned action, The Cobblestone Lofts Condominium (“Cobblestone”). This letter is in response to the joint letter to this Court from counsel for Defendants Admiral Indemnity Company (“Admiral”), and the Great American Insurance Company (“Great American”), dated July 20, 2021.

As accurately outlined in counsels’ letter Plaintiff, Cobblestone, is a condominium association organized under Article 9B of the N.Y. Real Property Law. As such, it is an unincorporated association under New York Law. Furthermore, Cobblestone does not dispute counsels’ assertion that, for diversity purposes, an unincorporated condominium association is a citizen of each state in which its members are domiciliaries.

In order to determine the domicile of its members, our client’s Board of Managers provided me with a ledger of unit owner’s mailing addresses on file for the purpose of mailing common charge bills, correspondence and legal notices. As unit owners may not necessarily live in their units, either because they rent it, use it as a pied-à-terre, or use it for some other purpose, we believed that if any mailing address was in Ohio or New Jersey (the domiciles of Defendants), that would help focus our inquiry.

A review of the ledger indicates that of the 34 separate unit owners, 28 have New York addresses, 2 have California addresses, 1 has a Florida address, 1 has an address in New Zealand, 1 has an address in Connecticut and, most important, 1 has an address in New Jersey, Defendant Admiral’s domicile.

Honorable Paul A. Engelmayer, U.S.D.J.
 August 3, 2021
 Page 2

We contacted the unit owners of the unit having a New Jersey address, the owners of Unit 6C, Andoni and Susan Economou. The Economou's reside at 38 Highland Avenue, Monmouth Beach, New Jersey. The Economou's advised me that Unit 6C is now vacant and not being used, pending certain repairs that need to be made. It is the Economou's intention to either sell or rent the unit – they have not yet decided. They were clear, however, that they do not live in Unit 6C and at this time do not intend to.

Both Economou's consider themselves New Jersey residents and citizens, as they both possess New Jersey drivers' licenses, their three cars are registered in New Jersey and most important, they vote in New Jersey.

In their joint letter, counsel request an additional 45 days to conduct limited discovery on the issue of subject matter and diversity jurisdiction. It is respectfully submitted that 45 days is far too long and unnecessary. This morning I had a telephone conference with counsel for Admiral, Michael Kandler, Esq. I advised him that the Economou's are willing to provide a Declaration attesting to their domicile. It is submitted that such a declaration can be obtained in relatively short order, and the jurisdiction of the Court resolved rather quickly. Mr. Kandler was amenable to such a process and, upon receipt of the Declaration, would review same and consider the viability of Cobblestone's position and whether the action should be removed to state court by stipulation of the parties.

In order to allow time to obtain a Declaration from the Economou's, it is respectfully requested that the date for submission of a Civil Case Management Plan, currently due on August 6, be adjourned for a period of two weeks to August 20, 2021, the joint letter setting forth the description of the case, currently due on August 5 be adjourned to August 19 and the Initial Pre-Trial Conference be adjourned to August 23, 2021.

Respectfully,

SULLIVAN & KLEIN, LLP

By: 
 Robert M. Sullivan

RMS:mco

cc:

VIA ECF
 All Counsel of Record

All deadlines and the Initial Pre-Trial Conference, which is currently scheduled for August 9, are adjourned. Defendants are directed to file a letter by August 17, 2021 as to whether limited jurisdictional discovery remains necessary. Any response is due three days later, SO ORDERED.


 PAUL A. ENGELMAYER
 United States District Judge
 8/3/2021